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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,548	10/17/2003	Damon Cleckler	PSTA0005/MRK	1157

7590

06/27/2005

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EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/688,548	CLECKLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Pierre E. Elisca	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This office action is in response to Applicant's RCE, filed on 05/27/2005.
2. Claims 1-13 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Boone et al. (U.S. Pat. No. 6,311,240) and Andric et al. (U.S. Pat. No. 5,449,200) in view of Irons (U.S. Pat. No. 6,192,165), and further in of **Belec et al (U.S. pat. No. 5,651,238).**

As per claims 1, 3, 4, and 6-10 Boone substantially discloses a system/method for assisting formatted data transfer that allows a formatting storage controller to read and record data on a formatted storage medium (which is readable as Applicant's claimed invention wherein said a method for selecting a media type format for which to generate value-bearing item indicia), said method comprising:

Receiving from a user an input; and identifying a media type format (see., abstract, col 4, lines 13-31, col 5, lines 12-38, specifically wherein said the formatting storage controller may select by reference a number of on-media structure definition.

Boone fails to explicitly disclose the step of securing paper control number. However Andric discloses a security paper for incorporation in a security document, or other document having intrinsic value. The security paper includes a resinous substrate sheet, on which indicia are printed (see., abstract, col 2, lines 3-26, col 15, lines 3-17). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the formatted data of Boone by including the limitation detailed above as taught by Andric because this would verify the authenticity of the documents or papers.

Boone and Andric fail to disclose the step of securing paper control number comprises a serial number that uniquely corresponds to a particular unit. Irons discloses a system and method for indexing, imaging, storing, and retrieving paper-based documents.

Wherein each paper-based documents has a unique serial number associated with it or each document number will be globally unique or security code (see., abstract, col 11, lines 27-67, col 12, lines 1-17). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Boone and Andric by including the limitation detailed above as taught by Irons because this would allow users to index and label documents prior to scanning/formatting documents or papers.

**Boone, Andric, and Irons fail to disclose Applicant's newly added limitation " of calculating the media format at least one of a size of a generic postage indicia".**

**Belec discloses a method/system for calculating thickness (size) measuring system in which the thickness of each or a series of collations is calculated prior**

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**to formation of the collation (see., abstract, col 7, lines 42-63). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Boone, Andric, and Irons by including the limitation detailed above as taught by Belec because this would generate data indicative of the thickness (or size) of each postage indicia.**

As per claims 2 and 5 Boone substantially discloses a system/method for assisting formatted data transfer that allows a formatting storage controller to read and record data on a formatted storage medium (which is readable as Applicant's claimed invention wherein said a method for selecting a media type format for which to generate value-bearing item indicia), said method comprising:

Receiving an input; and identifying a media type format (see., abstract, col 4, lines 13-31, col 5, lines 12-38, specifically wherein said the formatting storage controller may select by reference a number of on-media structure definition.

Boone fails to explicitly disclose the step of securing paper control number. However Andric discloses a security paper for incorporation in a security document, or other document having intrinsic value. The security paper includes a resinous substrate sheet, on which indicia are printed (see., abstract, col 2, lines 3-26, col 15, lines 3-17, it is obvious to realize that the security paper of Andric can also print label or label stock data since the security paper includes a resinous substrate sheet, on which indicia are printed). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the formatted data of Boone by including the limitation

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detailed above as taught by Andric because this would verify the authenticity of the documents or papers.

## RESPONSE TO ARGUMENTS

5. Applicant's arguments filed on 05/27/2005 have been fully considered but they are moot in view of new ground (s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**Pierre Eddy Elisca**

**Pierre Patent Examiner**

**June 16, 2005**